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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/521,336	
	Filing Date	January 11, 2005	
	First Named Inventor	LAZZARINI et al.	
	Art Unit	Not yet assigned	
	Examiner Name	Not yet assigned	
Total Number of Pages in This Submission	145	Attorney Docket Number	892,290-499

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Receipt verification postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement of Diane K. Wong under 37 C.F.R. §1.10 and 37 C.F.R. §1.8(b)
Remarks with Exhibits A-J attached		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	O'Melveny & Myers LLP		
Signature	<i>Diane K. Wong</i>		
Printed name	Diane K. Wong		
Date	March 1, 2005	Reg. No.	54,550

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express Mail (Label No. EL927498822US) in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature	<i>Cynthia B. Pacheco</i>		
Typed or printed name	Cynthia B. Pacheco	Date	March 1, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**LAZZARINI et al.**

**U.S. Application No. 10/521,336**

Filed: January 11, 2005

For: ANTIBIOTIC 107891, ITS FACTORS  
A1 AND A2, PHARMACEUTICALLY  
ACCEPTABLE SALTS AND  
COMPOSITIONS, AND USE  
THEREOF

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

**STATEMENT OF DIANE K. WONG UNDER 37 C.F.R. §1.10 and 37 C.F.R. §1.8(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Attn: PCT Legal Office**

Sir:

I, Diane K. Wong, attorney for Applicant, hereby certify the following:

1) On January 11, 2005, counsel for Applicant deposited, by Express Mail, the following documents to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

a) Transmittal Letter under 35 U.S.C. §371 ("Transmittal Letter"), enclosing the documents listed under items b) through e), (copy attached hereto as Exhibit A);

b) Copy of the International Application ("International Application"), as filed (copy attached hereto as Exhibit B);

c) Information Disclosure Statement (copy attached hereto as Exhibit C);

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

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IR1:1062913.1

March 1, 2005  
Date of Deposit

*Cynthia B. Pacheco*  
Cynthia B. Pacheco

d) PTO 1449, with copies of 9 cited references (copy attached hereto as Exhibit D);

e) Preliminary Amendment (copy hereto attached as Exhibit E); and

f) Receipt verification postcard (copy attached hereto as Exhibit F).

2) Said documents listed under a) through f) were placed in a single envelope and deposited with the United States Postal Service on January 11, 2005 with sufficient postage as "Express Mail Post Office to Addressee", Express Mail Label No. EV 337191292 US (copy attached hereto as Exhibit G).

3) Tracking results for EV 337191292 US indicate that this package was deposited in the United States Postal Service on January 11, 2005 and delivered on January 13, 2005 in Alexandria, VA 22313 (copy of shipment details obtained from [www.usps.gov](http://www.usps.gov) attached hereto as Exhibit H).

4) On January 25, 2005, I received the receipt verification postcard from the United States Patent and Trademark Office on January 11, 2005, with no date stamp or serial number sticker affixed to it, (copy attached hereto as Exhibit I).

5) On January 25, 2005, five (5) transactions under Attorney Docket No. 892,280-499 and totaling \$725 were charged to Deposit Account Number 50-2862. Additionally, Serial No. 10/521,336 was identified as the "POSTING REF TXT" under Sequence Nos. 171 through 175 (copy of redacted January 2005 Deposit Account Statement attached hereto as Exhibit J).

6) I hereby certify that all the documents submitted as Exhibits A through J are true and correct copies.

7) Applicant respectfully requests that the U.S. Patent and Trademark Office grant January 11, 2005 as the date of receipt of all the documents submitted as Exhibits A through J and that this application be accorded the filing date of January 11, 2005 and Serial No. 10/521,336.

The Commissioner is hereby authorized to charge any fees that may be required to  
Deposit Account No. 50-2862.

Respectfully submitted,

Dated: March 1, 2005

By Diane K. Wong  
Diane K. Wong  
Reg. No. 54,550  
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DKW/

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